



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES

Nashville Environmental Field Office
711 R. S. Gass Blvd.
Nashville, TN 37216
Phone 615-687-7000 Statewide 1-888-891-8332 Fax 615-687-7078

November 7, 2016

The Honorable Scott Foster, Mayor
City of Hendersonville
101 Maple Drive
Hendersonville, TN 37075

Certified Mail Receipt
91 7199 9991 7032 7999 9401

RE: NOTICE OF VIOLATION
City of Hendersonville, Sumner County
Small Municipal Separate Storm Sewer System (MS4)
NPDES Permit Tracking Number TNS075353

Dear Mayor Foster:

On October 5, 2016, personnel from the Tennessee Department of Environment and Conservation, Division of Water Resources (division) visited with the City of Hendersonville (City) municipal stormwater program staff and performed a routine Compliance Evaluation Inspection. The purpose of the inspection was to evaluate the City's compliance with the MS4 permit requirements.

As a result of the inspection, the division determined that the City's Construction Site Stormwater Runoff Control program has not met several NPDES permit requirements. Failing to comply with the NPDES permit constitutes a violation of the *Tennessee Water Quality Control Act of 1977*. These findings were discussed with the Design Engineer, Mr. Duane Allen, who serves as the stormwater program manager and the findings are documented in the enclosed inspection report.

In order to bring the City's stormwater program into compliance with the permit requirements, the following actions need to be completed:

- 1. Develop a written stormwater management plan and submit a copy to the division.**
- 2. Update your ordinance to be consistent with the current *Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities (CGP)*. Please submit a draft of the updated ordinance to the division.**
- 3. Develop an enforcement response plan that provides for timely resolution of non-compliance. Please submit a draft of the enforcement response plan to the division.**
- 4. Develop a plans review procedure to assure consistency with requirements of the CGP and effectiveness of the erosion prevention and sediment control measures.**

Please submit a copy of the review procedure and supporting documents to the division.

Please respond to this letter in writing by December 15, 2016, with a timeline for completing the required actions. If you have any questions or need additional information, please contact Ms. Bridgette Corsa at the Nashville Environmental Field Office by email at Bridgette.Corsa@tn.gov or by telephone at 615-687-7115.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karina Bynum", with a long horizontal flourish extending to the right.

Karina Bynum, Ph.D., P.E.
Division of Water Resources

Enc: CEI Hendersonville Report dated November 7, 2016

eCC: James Moore, jmoore@hvilletn.org – City of Hendersonville – Public Works Director
Duane Allen, dallen@hvilletn.org – City of Hendersonville – Design Engineer
Bridgette Corsa, Bridgette.Corsa@tn.gov - TDEC DWR NEFO inspector
Jessica Murphy, jessica.murphy@tn.gov – TDEC DWR Compliance and Enforcement



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November 7, 2016

The Honorable Scott Foster, Mayor
City of Hendersonville
101 Maple Drive
Hendersonville, TN37075

**RE: Compliance Evaluation Inspection Report
 City of Hendersonville Small Municipal Separate Storm Sewer System (MS4)
 NPDES Permit Tracking Number TNS075353, Sumner County**

Dear Mayor Foster:

On October 5, 2016, personnel from the Tennessee Department of Environment and Conservation, Division of Water Resources (division) visited the City of Hendersonville (City) municipal stormwater program staff and performed a routine Compliance Evaluation Inspection. The inspection consisted of a records review of the Construction Site Stormwater Runoff Control, which is a minimum control measure #4 under the *NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4)*. We would like to thank Mr. Duane Allen, Ms. Helen Morrison, and Mr. James Moore for their courtesy and cooperation during the inspection.

Permit Review

The City's stormwater program operates under a NPDES Permit Tracking number TNS075353. The coverage was issued on June 15, 2011, and has been administratively extended beyond the expiration date of September 1, 2015, until a new Notice of Coverage is granted to the City. Under this coverage, the City of Hendersonville proposed the following management practices for construction runoff control:

- Bimonthly inspections of Erosion Prevention and Sediment Control (EPSC) structures
- Enforcement and prevention awareness
- Education, DVD with Best Management practices and prevention awareness

Records Review

The division reviewed Hendersonville's most recent annual report, stormwater management program/plan (SWMP), adopted stormwater ordinance (October 2003), enforcement response plan (ERP), inventory and tracking systems, plans review and approval procedures, inspection procedures, and staff certifications.

The mayor has not signed the City of Hendersonville most recent annual report. The City of Hendersonville currently does not have a written stormwater management plan. The new notice of intent is a good starting point for the plan development.

The 2003 ordinance for construction site stormwater runoff adopts the Tennessee Erosion and Sediment Control Handbook. However, the minimum design standards are set by the *Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities (CGP)*. The City's ordinance must be consistent with the requirements of the CGP. The ordinance does not provide for control of wastes associated with construction activity as specified in the CGP sections 3.5.3.1.f., 4.1.5. and 4.1.6.

The City of Hendersonville's ordinance is implemented through plans review/approval, site inspections and enforcement sanctions. The enforcement sanctions include: written notice, consent order, show cause hearing, compliance order, and a cease and desist order. Although the City issued numerous notices of violations, site non-compliance persists. The City does not have an effective enforcement escalation of where these sanctions can be used to resolve violations in timely manner (e.g. the use of stop work orders). The enforcement response plan should describe when each sanction is used to address the nature and severity of the violations.

Plans review is conducted by a professional engineer, with a level 2 EPSC certification. There were no established standard procedures for the review to assure consistency with requirements of the CGP and effectiveness of the EPSCs. A checklist, signoff sheet, review guide or other tools are needed to standardize the plans review. The EPSC plan review must include at minimum the EPSC and sediment basin design criteria, and the establishment of buffer zones for streams, lakes and wetlands.

The construction site inspection program is comprised of active site inventory, minimal monthly site inspections of all sites with bi-weekly inspections of priority sites. The inspector is a certified levels 1 and 2 EPSC professional. Inspections are documented in a notebook and communicated in an inspection report. The majority of the sites are inspected prior to disturbance to confirm proper installation of EPSCs. Please note that all priority construction activity sites must have a pre-construction meeting.

Construction Site Visit

During our compliance evaluation inspection, the division observed a site inspection of an active construction site TNR149974 – Celebrity Coaches. The City inspector correctly identified failures on the site and requested appropriate corrective actions. The chronic non-compliance however points to the City's ineffective enforcement response plan.

Required Actions

- 1. Develop a written stormwater management plan and submit a copy to the division.**
- 2. Update your ordinance to be consistent with the current *Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities*. Please submit a draft of the updated ordinance to the division.**
- 3. Develop an enforcement response plan that provides for timely resolution of non-compliance. Please submit a draft of the enforcement response plan to the division.**

4. **Develop a plans review procedure to assure consistency with requirements of the CGP and effectiveness of the EPSCs. Please submit a copy of the review procedure and supporting documents to the division.**
5. **By December 15, 2016, please provide a written response with a timeline for completing the required actions.**

Again, I would like to thank Mr. Moore and his staff for the assistance and courtesy extended to us during our inspection. If you have any questions or need additional information, please contact me by email at karina.bynum@tn.gov or by telephone at 931-520-6683 or you may contact Ms. Bridgette Corsa at the Nashville Environmental Field Office by email at Bridgette.Corsa@tn.gov or by telephone at 615-687-7115.

Sincerely,



Karina Bynum, Ph.D., P.E.
Division of Water Resources

eCC: James Moore, jmoore@hvilletn.org – City of Hendersonville – Public Works Director
Duane Allen, dallen@hvilletn.org – City of Hendersonville – Design Engineer
Bridgette Corsa, Bridgette.Corsa@tn.gov - TDEC DWR NEFO inspector
Jessica Murphy, jessica.murphy@tn.gov – TDEC DWR Compliance and Enforcement



TDEC - Division of Water Resources
Nashville Field Office

ICIS NPDES Facilities Inspection Report

Facility Data

NPDES ID:	TNS075353	Facility Site Name	City of Hendersonville MS4 Program		
		Address	101 Maple Drive North		
Permit Eff. Date:	Jun 15, 2011	Permit Exp Date:	Sep 1, 2015	SIC Code:	

Compliance Monitoring Information

Compliance Monitoring Activity Name	MS4 - <i>stormwater - non-sampling</i>				
	* If Bio Monitoring is selected above, select the method used:				
Compliance Monitoring Activity	Evaluation				

Compliance Monitoring Dates/Times

Entry Date/Time (mm/dd/yyyy hh:mm):	10/06/2016 9:00	Exit Date/Time (mm/dd/yyyy hh:mm):	10/06/2016 15:00
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Facility Representatives

Duane Allen, 615 590 4635	Scott Foster 615 822 1000
On-Site Representative(s) Title, Phone Number	Responsible Official(s), Title, Phone Number

Statute and Section Information

Federal Statute:	CWA - Clean Water Act	State Statute:	Tennessee Water Quality Control Act
Programs:	NPDES- Base Program (Limits, Reporting, & Schedule)		

Compliance Monitoring Reason: Core Program

Compliance Monitoring Agency Type:	State	Agency Name:	TDEC - DWR
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Did EPA assist/ Inspection?	No	Time Physically conducting activity: Days:	2	Hours:	
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Inspection Type:	State	Compliance Monitoring Action Outcome:	
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Lead Agency:	State	Compliance Monitoring Rating Code:	Unsatisfactory
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If Joint Inspection, what was the purpose of the other party?	
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Areas Evaluated During Inspection (Check only those areas evaluated)

<input checked="" type="checkbox"/> Permit	<input checked="" type="checkbox"/> Self - Compliance Program	<input type="checkbox"/> Pretreatment
<input checked="" type="checkbox"/> Records / Records	<input type="checkbox"/> Compliance Schedule	<input type="checkbox"/> Pollution Prevention
<input checked="" type="checkbox"/> Facility Site Review	<input type="checkbox"/> Laboratory	<input checked="" type="checkbox"/> Storm Water
<input checked="" type="checkbox"/> Effluent / Receiving Waters	<input type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> Combined Sewer Overflow
<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Sludge Handling / Disposal	<input type="checkbox"/> Sanitary Sewer Overflow

Compliance Monitoring Summary

City of Hendersonville MCM4 construction program does not have a written stormwater management plan, ordinance does not control waste on construction sites and is not consistent with CGP requirements. The program does not have plans review procedures.

EPA and State Representatives

<i>Karina Bynum</i>	TDEC-DWR/ 931-520-6688	Oct 6, 2016
Inspector's Signature	Agency / Office / Phone	Date
<i>E. E. D.</i>	TDEC-DWR/NEFO/615-687-7000	10/20/16
Manager's Signature	Agency / Office / Phone	Date

(Note: This form can only be printed to an XPS document, then saved for later use.)